

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LUTHER SPENCER,

Plaintiff,

v.

JOHN R. KASICH, et al.,

Defendants.

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Case No. 2:14-CV-00615

JUDGE ALGENON L. MARBLEY

Magistrate Judge Preston Deavers

OPINION & ORDER

This matter is before the Court on the Magistrate Judge's **Report and Recommendation** (Doc. 9) recommending that the Court deny Plaintiff's Motion for Summary Judgment (Doc. 7). Pro se Plaintiff Luther Spencer alleges that Governor Kasich, and other state and city officials, violated his rights under the Americans with Disabilities Act and 42 U.S.C. § 1983. (*See generally Compl.*, Doc. 4). He requests summary judgment solely on the grounds that Defendants have failed to respond or answer. (*See* Doc. 7 at 1). As the Magistrate Judge correctly noted, however, Plaintiff has failed to effect service on any of the named Defendants, as each summons form was returned unexecuted. (*See* Doc. 9 at 1-2). Thus, the Magistrate Judge recommends denial of Plaintiff's Motion, in addition to ordering Plaintiff to show cause why his Complaint should not be dismissed for failure to execute timely service. (*Id.* at 2-3).

Plaintiff was specifically advised of his right to object, and of the consequences of his failure to do so. (*Id.* at 4). No objection has been filed, and the deadline for such objections has elapsed. Accordingly, this Court **ADOPTS** the Magistrate Judge's Report and Recommendation. Plaintiff's Motion for Summary Judgment (Doc. 7) is hereby **DENIED**.

IT IS SO ORDERED.

s/ Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

DATED: July 16, 2014